

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

_____	)	
KENNETH ADAMSON,	)	
	)	
Plaintiff,	)	CIVIL ACTION NO.:
	)	
v.	)	
	)	
WYETH PHARMACEUTICALS f/k/a,	)	
WYETH-AYERST PHARMACEUTICALS	)	
and ROBERT WINTERS,	)	
	)	
Defendants.	)	
_____	)	

04 cv 11623 DPW

**DEFENDANTS' PARTIAL MOTION TO DISMISS**

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendants Wyeth Pharmaceuticals ("Wyeth") and Robert Winters ("Winters") (collectively the "Defendants") hereby move this Court to dismiss with prejudice Plaintiff Kenneth Adamson's ("Adamson" or "Plaintiff") retaliation claim and Paragraphs 7 and 11 through 17 of the Complaint. Defendants seek dismissal of these specific allegations because they were not timely filed within the six-month statute of limitations required by M.G.L. c.151B, or, as in the case of the retaliation claim, Plaintiff failed to exhaust his administrative remedies.

WHEREFORE, for the reasons more fully explained in the accompanying Memorandum of Law, Defendants respectfully request that the Court dismiss Plaintiff's retaliation claim, and strike the allegations contained in Paragraphs 7 and 11 through 17 of the Complaint.

11:54 PM 8/2/2004

MASSACHUSETTS  
DISTRICT COURT

Respectfully submitted,

WYETH PHARMACEUTICALS  
and ROBERT WINTERS

By their attorneys,



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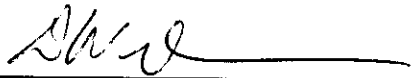
Donald W. Schroeder, BBO #646700  
Mintz, Levin, Cohn, Ferris, Glovsky,  
and Popeo, P.C.  
One Financial Center  
Boston, MA 02111  
(617) 542-6000

Dated: July 28, 2004

**CERTIFICATE OF SERVICE**

I, Donald W. Schroeder, do hereby certify that I caused a copy of the foregoing Answer to be served upon counsel of record for the Plaintiff via first class mail this 28th day of July, 2004 to the following address:

Howard Mark Fine  
86 Sherman Street  
Cambridge, MA 02140

  
\_\_\_\_\_  
Donald W. Schroeder, Esq.

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)**

Pursuant to Local Rule 7.1(A)(2) I, Donald W. Schroeder, counsel to Defendants, certify that on July 28, 2004, I communicated with counsel to Plaintiff, Howard Mark Fine, by telephone, prior to filing Defendants' Motion to Dismiss and that counsel have also previously conferred (in the underlying administrative action) in an effort to resolve the issues which are the subject of Defendants' Motion.

  
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Donald W. Schroeder, Esq.